

WILL SEND THAW TO INSANE ASYLUM

Authoritative Statement
Made That He Will
Never be Tried.

FAMILY AND COUNSEL HOLD CONFERENCE

Important Meeting, After Which
This Declaration is Made—Ef-
fort to Restrain District At-
torney and Grand Jury
from Taking Fur-
ther Testimony.

(Special to The Times-Dispatch.)
NEW YORK, July 17.—Harry
Thaw will never be placed on trial
for the murder of Stanford White.
An application will be made for the
appointment of a commission to in-
quire into his sanity. There is no
doubt but that he will be declared
insane and sent to the hospital for
the criminal insane at Matteawan.

This authoritative statement was made
to-night immediately after the con-
clusion of the conference at the Hotel
Lorraine by one who had been present.
At this conference, which began shortly after
1 o'clock, were Mrs. William Thaw,
mother of Harry Thaw; Lewis L. Dela-
field, her personal counsel; William M. K.
Olcott, of Black, Olcott, Gruber and
Bonyne, young Thaw's former counsel;
Josiah Thaw and George L. Carnegie,
son and son-in-law of Mrs. William Thaw.
The conference was held in the private
parlor of Mrs. Thaw, who was present,
but took no part in the conference.

Mother Sees Olcott.
Mrs. William Thaw met Judge Olcott
for the first time and insisted upon his
reassuming the defense of her son, which
she said she could direct in any manner
he saw fit. Mr. Olcott promised to take
the matter under advisement, but said
he could give no final answer until he had
conferred with the other members of his
firm. The probability is that the firm
will again take up the direction of the
defense of Harry Thaw. Mr. Olcott gave
Mrs. Thaw information he had collected,
which convinced her that her son was
mentally irresponsible on the night of
the murder of Stanford White.

The balance of the conference was
spent in discussing the defense of Harry
Thaw. The firm of Black, Olcott, Gruber
and Bonyne, which had been retained by
the defense, were honestly convinced that the young man
was insane. Judge Olcott pointed out
the fallacy of the "unwritten law" de-
fense which Harry Thaw insisted upon,
and a plea of insanity, which, he said,
he even thought Thaw himself admitted
was impossible. Mr. Olcott made a frank
statement of the case to Mrs. Thaw and
said the possible plea to save her son
from the electric chair was that of in-
sanity.

J. Hamilton Lewis, corporation counsel
of Chicago, was invited by those inter-
ested in the Thaw defense to become as-
sociated with the counsel in the young
millionaire's murder trial. Mr. Lewis in-
formed those who approached him that he
would want \$25,000 to take up Thaw's
case, as his attorney, to it was said, had
been the cause of the year and would nec-
essitate his resignation as corporation coun-
sel of Chicago. It is understood that Mr.
Lewis's terms were rejected.

SEEK TO RESTRAIN DISTRICT ATTORNEY

(By Associated Press.)
NEW YORK, July 17.—The defense in
the case of Harry K. Thaw, accused of
the murder of Stanford White, made an
unusual and unexpected move to-day,
when a writ of prohibition was secured
from the Supreme Court, restraining the district attorney
and the grand jury from taking fur-
ther evidence under oath against the
prisoner. Application for the writ was
made by John O'Connell, counsel for
Thaw, and the order to show cause why
it should not be continued, was made
returnable to-morrow. At that time the
district attorney's office will request an
adjournment of the matter because of the
absence from the city of District Attorney
Jerome and his assistant, Mr. Gar-
vin.

Counsel for Thaw allege that through
the illegal use of grand jury subpoenas,
the district attorney is summoning all
possible witnesses in the case to his of-
fice, putting them under oath there and
taking depositions which may be detri-
mental to the prisoner's interest. It is
further alleged that as Thaw is already
under indictment, and no new indictment
for the murder of Stanford White is in-
dicated, the district attorney has no right to use
the grand jury as a cloak for his own
inquisition. Almost every person who
can appear as a witness in the case, for-
ty-seven of them so far, have been sum-
moned to the district attorney's office,
and depositions made for use at the trial.
Through all this, counsel for the defense
has not been allowed to be present.

Mrs. Harry Thaw visited her husband
in the Tombs to-day and afterward went
to the office of Judge O'Connell's law firm,
which has been re-engaged in the case
by Thaw's mother. The conference con-
tinued for nearly an hour.

Thaw had a consultation with his coun-
sel, Clifford W. Harridge, and his part-
ner, Mr. J. Hamilton Lewis, who has been
watched constantly since his arrest
by a trusted prisoner, who has been de-
tailed as an extra watchman on the tier
where Thaw's cell is located. One pur-
pose of the surveillance is said to be to
watch, as much as possible of what he
said at his talks with his visitors. It is
not known who set the watch upon him,
but the prison wardens refused to discuss
the subject.



MR. JOHN HENRY LATHAM.
Manchester man severely injured yester-
day by lightning, while talking
over telephone.

SEVERELY HURT AT TELEPHONE

Manchester Man Struck by
Lightning While Talking Dur-
ing Thunderstorm.

NOT YET FULLY CONSCIOUS
in Alexandria Hospital in Dazed
Condition—Employed by
Richmond Firm.

Mr. John Henry Latham, twenty-four
years of age, the son of Mr. and Mrs.
L. M. Latham, of Manchester, was
seriously injured by lightning stroke
while using a telephone near Alexandria
yesterday afternoon.
The "new" box in the hospital in Alex-
andria in a semi-conscious condition. His
left ear was severely torn and his neck
badly burned. His wounds, together with
the shock, rendered him unconscious.
His wife, who was Miss Lula Jones, of
West Seventh Street, Manchester, is by
his side, having been with him in Alex-
andria for some time.

Mr. Leo Latham, father of the young
man, left last night to be with him.
A telegram received late last night from
Mrs. Latham, wife of the injured young
man, was to the effect that he was resting
comfortably.

The Times-Dispatch correspondent in
Alexandria telegraphed the following re-
port of the accident:
ALEXANDRIA, VA., July 17.—John
H. Latham, an electrical engineer, who
lives at No. 1001 Hull Street, Man-
chester, was struck by lightning dur-
ing a thunderstorm while talking over
this section this afternoon, and was
severely injured. Mr. Latham is
employed by the Western Union Elec-
tric Construction Company, and was
in charge of a gang of men at the
freight yards, north of Alexandria.
During the height of the storm he
had occasion to use the telephone, and
just as he put the receiver to his ear,
a bolt of lightning came down the
wire and gave him a severe shock. He
was rendered unconscious by the shock
and was brought to Alexandria on an
engine and taken to the Alexandria
Hospital, where his injuries were
attended by Dr. William U. Smith.

It was found that his left ear was
severely torn and his neck burned.
It was stated at the hospital to-night
that he was resting as well as could be
expected, and that it was hoped that
he would recover, although he was
in a dazed condition.

(Continued on Third Page.)

PHARMACISTS TO APPEAR IN COURT

Three Are Summoned to Answer
Charges of Failure to Comply
With City Ordinance.

The city authorities are getting after
the alleged violators of the drugstore
ordinances in Richmond, three supposed
offenders having been reported to the
First Police Station yesterday by Cap-
tain Whitlock.
The first man reported was George
Arheart, on the charge of selling medical
compounds and filling prescriptions of
physicians without being a registered
pharmacist.
The second report was of W. W. Rich-
ardson, who employs at his store at
Seventeenth and Venable Streets Frank
Gilmore, allowing him to compound and
dispense prescriptions without being, it
is asserted, a registered pharmacist or
a registered assistant pharmacist.
The third report was of W. P. Parlin,
who employs in his store on Broad, be-
tween Twenty-fifth and Twenty-sixth
Streets, C. W. Carr, who also lacks, ac-
cording to the charge, the necessary
certificates of qualification for the duties
imposed upon him.
Any other alleged offenders in this city
will be prosecuted, it is said, until all
druggists have complied with the State
laws.

ROGERS WRITES PERSONAL LETTER

Both He and Peabody
Withdraw Connection
With Mutual Life.

PEABODY WILL NOT BE A CANDIDATE

That is, He Will Make No
Effort to Succeed Himself.
Was Not Assisted in
Securing His Present
Position by Mr.
Rogers.

(By Associated Press.)
NEW YORK, July 17.—The committee
of trustees of the Mutual Life Insurance
Company appointed to nominate a new
board of trustees to be voted for at the
annual meeting of the company in De-
cember, made its final report to-day, and
in doing so disclosed the fact that Henry
H. Rogers and William Rockefeller had
withdrawn from further connection with
the body. In seeking from President
Peabody the cause of this action on the
part of the Standard Oil interests, Mr.
Peabody gave out a personal letter from
Mr. Rogers, upon which he said he would
make no comment. In this letter Mr.
Rogers said:

Mr. Rogers's Letter.
"When troubles came to the company
I felt it my duty as a trustee to stand
by and do anything I could of service
to my fellow members and policyholders.
I believe I have rendered some assis-
tance. The statement has been frequently
made that I caused your election to the
presidency of the Mutual Company. No
one knows better than you how false this
is. You know that I had but the slightest
acquaintance with you before your elec-
tion; that I never expected a word with
you respecting your candidacy, nor was
I in any sense the inspiring cause of your
selection. Apparently the people who are
most active in their hostility to the pre-
sent administration are using the fact of
my connection with the Standard Oil Com-
pany as a ground for criticism. While this
is a sufficient reason for my refusal to be
a candidate for trustee, since no one has
a right to put such large interests in
jeopardy for the sake of achieving per-
sonal vindication, it is yet true that aside
from the relations of Mr. William Rockef-
eller and myself as policyholders and
trustees, neither the Standard Oil Com-
pany nor any one occupying an official
position in that corporation has ever in
the slightest degree had any business
or other relation with the Mutual Life
Insurance Company, and in the case of
Lambert, Charles L. Lancy, Mr. Latham
policy matured some months ago and was
paid, and he therefore is no longer a
policyholder. He also wishes to be relieved
from any further service as a trustee."

Gave Mutual Business.
"Neither Mr. Rockefeller nor myself
have been identified with any under-
writing scheme, nor have we been engaged in
any business affairs with the Mutual
Company by which we have been the
gainers. On the contrary, we have been
the losers in the business of the Mutual
and its allied companies from which they have
largely benefited."

From a source of information that
should be authoritative, it was learned
that President Peabody would not be a
candidate for re-election in the sense that
he would make any effort to succeed him-
self. The list of directors is as follows:
John W. Auchincloss, George F. Baker,
Hugo Baring, Charles S. Brown, Du-
mont Clarke, Frederick Cromwell, Cy-
rus Curtis, Julien T. Davies, Charles D.
Diekel, William P. Dixon, H. Rieman
Duval, George Gray, Charles R. Hend-
erson, Harlow N. Hightsho, James M.
Jarvis, Augustus D. Julliard, William H.
Lambert, Charles L. Lancy, Mr. Latham,
Stevens Maxim, Emory McClintock, Wil-
liam C. McMillan, George Miller, Theo-
dora Morford, Thomas M. Murray, Charles
A. Peabody, Emile Oscar Phillippi, Henry
Phelps, Alfred M. Shook, Leroy Spriggs,
George C. Rand, Louis Stern, Henry W.
Taft, Benjamin F. Tracey, William H.
Truesdale, M. McK. Twombly and Corne-
lius Vanderbilt.

DOCTOR AND TELLER HELD FOR CONSPIRACY

Charged With Having Combined
to Defraud the Union Trust
Company, Philadelphia.

(By Associated Press.)
PHILADELPHIA, July 17.—Charged
with conspiracy to defraud the Union
Trust Company, of Philadelphia, by
means of overdrafts, Dr. Julius L.
Sallinger, of this city, and Thomas D.
Andress, paying teller at the institution,
were arrested to-day and held in \$25,000
bail for a further hearing to-morrow. Dr.
Sallinger is a depositor in the Trust Com-
pany, and it is alleged that he has over-
drawn his account to the amount of about
\$15,000. The teller was aware of the
overdraft, it is charged, but failed to
notify the officers of the Trust Com-
pany, in the hope that Dr. Sallinger would
make his account good. He failed to do
it, however, and the officers of the Trust
Company discovered the discrepancy in
the paying teller's accounts. Dr. Sal-
linger was summoned to the offices of
the institution, and after a conference he
and the paying teller were placed under
arrest.

PROMNENT GUESTS AND SPEAKERS AT HOWITZERS CELEBRATION LAST NIGHT



GOVERNOR C. A. SWANSON.



CAPTAIN W. M. MYERS.



GENERAL WILLIAM CROZIER.



MAYOR CARLTON MCCARTHY.

RHODE ISLAND IN A COLLISION

Turret Steamer Guernsey Smashes
Into Battleship in Severe
Storm.

HER DAMAGE NOT GREAT

Slight Injury to Her Hull While
the British Ship Has Plates
On Stern Stave in.

(Special to The Times-Dispatch.)
NEWPORT NEWS, VA., July 17.—Dur-
ing a violent wind storm which swept
over this harbor to-night, the British
turret steamer Guernsey dragged anchor
and smashed into the starboard bow of
the United States battleship Rhode
Island with terrific force.
When the Guernsey struck the warship,
the latter got under way and moved down
the stream. The Guernsey finally got up
steam and dropped anchor a mile from
the battleship.

The Rhode Island sustained slight dam-
age to her hull, while the Guernsey had
several plates on her stern stove in. The
Guernsey arrived here Sunday from
Dartmouth and is awaiting orders. It is
probable that she will repair here.
Several schooners, barges and steamers
anchored in the harbor here dragged an-
chor, but none of them were injured. The
storm did considerable damage in the
city, tearing down wires and breaking of
trees.

Her Perilous Experience.

The Rhode Island, while on her shake-
down trip in Virginia waters, May 28th,
went aground at York River. She had not
yet been attached to any squadron. The
vessel at that time went ashore at nearly
high water, drawing about twenty-four
feet. She was subsequently floated and
was uninjured. As a result of that ac-
cident, Captain Gertsen, her commander,
was court-martialed and suspended from duty
for a period of six months, with one-half
pay; lost five numbers for allowing
the battleship to go aground, and was
succeeded in command of that ship by
Captain Charles G. Bowman, captain of
the Pennsylvania Navy Yard. The Rhode
Island arrived at Newport News last
Friday from Annapolis. The Guernsey is
commanded by Captain Gertsen, and is
a vessel of 2,800 tons.

It is learned to-night that the Rhode
Island probably will sail to-morrow for
Boston. After the collision the vessel re-
turned to her original anchorage.

Washington Not Advised.

(By Associated Press.)
WASHINGTON, D. C., July 17.—No offi-
cial dispatches regarding the collision be-
tween the battleship Rhode Island and
the Norwegian steamer Guernsey at New-
port News, Va., reached the naval offi-
cials here to-night.

SOUTH CAROLINA EDITORS IN THEIR ANNUAL SESSION

(By Associated Press.)
CHARLESTON, S. C., July 17.—The
thirty-second annual meeting of the South
Carolina State Press Association was
called to order at the Hotel Sonsthorpe, Isle
of Pines, by President D. H. Hall, of
the Newberry News and Observer. Ad-
dresses of welcome were made by Mayor
Rheft, President Gadsden, of the Consol-
idated, and Editor Waring, of the Even-
ing Post. The reading of papers and
reports occupied the greater part of to-
day's session. To-morrow the party will
go for a trip on the harbor. From Char-
leston the association goes North for a
week in New York, Boston and other
cities.

HOWITZERS HAVE GREAT JUBILEE

Make Formal Acceptance
of New Guns a Nota-
ble Occasion.

GENERAL CROZIER GUEST OF HONOR

Chief of Ordnance Department of
the United States Army One
of the Principal Speakers.
Major Wheeler and
Others Express
Good Will.

From Belknap to Appomattox was
the battle cry last night in the celebra-
tion of the Richmond Howitzers, and if
there were aught of anything of that
long campaign that did not receive men-
tion, it passed by and was soon forgot-
ten. The very atmosphere was redolent
with the smell of distant battles, war
remembrances were the theme of the hour,
and the Howitzers, who had long had
their historic associations that long had
lain dormant were recalled and revived
until the very flags that lined the walls
seemed to move with the stir of the
battle song.

It was a great occasion for the How-
itzers, not merely on account of their
having received the new armament, which
was the immediate cause of the rejoic-
ing, but also, and perhaps more, because
the younger members of to-day heard
recited to them the deeds of their
ancestors, glorious and worthy of emula-
tion, and they fought their fight, now rest
in the bivouac of the dead. With such
a memory behind them and such a pros-
pect before them, there was little wonder
that the present members of this historic
Howitzer organization, thrilled at every
word of the evening were able to speak
with such fiery eloquence of the days
in which the great cause was lost and
of the days that are, in which the na-
tional stands as one against a common foe,
should occasion pride.

All the eloquence and wit and wisdom
of Richmond's foremost citizens were
there, and there was no lack of reminis-
cences to urge the Howitzers on to greater
deeds or of stories of heroism and en-
durance to remind them of the past,
which they are, in honor, bound to keep
alive for the inspiration of the future.

Three Hundred There.

There were at least three hundred peo-
ple present, and to all of them was ex-
tended a cordial greeting by the present
members of the Howitzers. Many of these
present were of the old corps, and the
occasion was of peculiar interest to them
because of their associations and mem-
ories were connected with the field
of battle, where the Howitzers, as a mili-
tary organization, won their reputation
and fame.

The first part of the evening was de-
voted to showing the visitors over the
new guns, seventy sets of harness for
draught horses, and various other im-
plements of war connected with the ar-
tillery branch of the service. There were
many prominent men present, among
them being Governor Swanson, Mayor
McCarthy, General William Crozier, Chief
of Ordnance of the War Department,
Major C. B. Wheeler, also of the Or-
dnance Department; Robert Southall, Judge

(Continued on Second Page.)



CAPTAIN JOHN LAMB.

GIBSON HELD FOR WOMAN'S MURDER

Coroner's Jury Recommended
That the Lawyer Be Held for
Examination.

GIBSON ON THE STAND

Woman Evidently Swindled Out
of Large Amount in Real
Estate Deal.

(By Associated Press.)
NEW YORK, July 17.—Barton W. Gib-
son, formerly counsel for Mrs. Alice
Kinman, who was mysteriously murdered
on the night of June 8th, in the old
homestead in the Bronx, occupied by her
mother, Mrs. L. M. Stanton, and herself,
was to-night committed to the Tombs by
order of Coroner McDonald, in default of
\$25,000 bail. This action followed the
close of the coroner's inquest to-night,
when the jury brought in a verdict that
Mrs. Kinman was murdered by a person
or persons unknown, and recommended
that Gibson be held for examination by
the grand jury.

Gibson himself occupied the stand dur-
ing the greater part of to-day's session.
He said that Mrs. Stanton engaged him
to defend squatter proceedings which had
been instituted against her property, and
establish her right to title. After pro-
longed litigation the property was sold
in September, 1905, for \$85,000, ostensibly
to Archibald McFarland, but in reality
to Gibson, and nine months later was
sold for \$92,000. Of the profit Gibson
admitted \$20,000 was to go to himself, and
the remainder to his father, McFarland,
and John Kelly, who were associated in
the deal. It appeared that the only money
received by Mrs. Stanton was \$4,000 given
to her by a lawyer, Ashton, who acted
when the jury brought in a verdict that
Gibson admitted that after the murder
he had visited the Stanton house and had
removed certain documents and articles
of value. He declared that he had a
right to do. He declared that he had
notified the police at that time.

Defender of Mrs. Surratt Dead.

(By Associated Press.)
INDIANAPOLIS, IND., July 17.—John
W. Clappitt, who, with Reverdy John-
son, defended Mrs. Surratt, following the
assassination of President Abraham Lin-
coln, died to-day at the Indianapolis City
Hospital. He was born in the District
of Columbia in 1838, and for many years
was an employee of the Postoffice Depart-
ment in the West.

TWO BURN TO DEATH IN PITTSBURG HOTEL FIRE

Damage Not So Great, but Two
Lives Sacrificed and Several
Persons Overcome.

(By Associated Press.)
PITTSBURG, PA., July 17.—In a fire
at the Hotel Park, Second Avenue and
Grant Streets, early to-day, two persons
were burned to death and several were
overcome by smoke. The fire was caused
by a burning gas jet.
James Conway, a city employe, who
lived in the hotel, was burned to death,
and Neal Connors, the bartender, was
fatally injured by jumping from a win-
dow.
Connors died after his removal to the
hospital. The flames were extinguished
with a loss of \$25,000.

CHURCHMAN BILL NULL AND VOID

Decided by Judge Holt
That Law is Uncon-
stitutional.

HE OVERRULES THE DEMURRER

Declares the Power to Fix Rates
is Vested Only in the Corpora-
tion Commission—Quotes
from a Parallel Case
in the State of
Michigan.

(Special to The Times-Dispatch.)
STAUNTON, VA., July 17.—The case
of the Commonwealth against the Balti-
more and Ohio Railroad was heard on
demurrer this morning in the Corpora-
tion Court, and Judge Henry W. Holt
held that the Churchman two-cent mile-
age bill was unconstitutional, null and
void.

Commonwealth's Attorney Carter Brax-
ton, at the instance of Hon. John W.
Churchman, of Augusta, patron of the
bill, had instituted the case against the
Baltimore and Ohio Railroad to compel this
corporation to place mileage books of 500
miles each on sale at \$10 per book. The
railroad, through its attorneys, Messrs.
Bumgardner & Bumgardner, demurred
to the charges of the Commonwealth, say-
ing that the bill was unconstitutional,
in that the late Constitutional
Convention had delegated to the Corpora-
tion Commission the power to regulate
rates, and that the bill was an unjust
discrimination against the people, who
could not purchase wholesale tickets, or,
in other words, could not afford the price
of a mileage book.

Demurrer Overruled.
Judge Holt's opinion, which is concise
and to the point, overrules the defend-
ant's demurrer on five counts, but sus-
tains it on the ground of unjust discrimi-
nation. The opinion recites passages from
the Constitution of the Commonwealth, and
the opinion of the late Constitutional Con-
vention, in that the late Constitutional
Convention had delegated to the Corpora-
tion Commission the power to regulate
rates, and that the bill was an unjust
discrimination against the people, who
could not purchase wholesale tickets, or,
in other words, could not afford the price
of a mileage book.

The first two exceptions are unim-
portant. The third section of Judge
Holt's opinion is as follows: "It is fur-
ther held that the bill is unconstitutional,
in that the late Constitutional Con-
vention, and that any attempt by the
Legislature to exercise this function is
unconstitutional and void."

"Rate-making power is one that falls
naturally within the domain of the Legis-
lature, and, indeed, does all the law-
making power of the State, and the pre-
sumption is that such powers continue
until their absence is made to affirm-
atively appear. Mr. Cooley, quoting with
approval from a New York case, says:
'Indeed, it is difficult upon any general
principle to limit the omnipotence of the
sovereign legislative power by judicial
interposition, except so far as the express
words of a written constitution give
that authority. Const. lim. 240.'

Legislative Power.
"Where in our written Constitution is
this power denied to the Legislature?
"If this legislative power is abrogated
at all, it is by section 1, of article 1,
which reads: 'The Legislature shall have
the power to prescribe rates, and it is
said this 'authority of the commission,
subject to review on appeal as herein-
after provided, to prescribe rates, charges,
and classification of traffic for trans-
portation and transmission, complete
shall be paramount, but its authority to
prescribe any other rules, regulations, or
requirements for corporations or other
persons shall be subject to the superior
authority of the General Assembly to
legislate thereon by general laws.'

"Not unless 'paramount' can be con-
strued to mean 'exclusive.' Is the posi-
tion tenable? No dictionary so defines it.
"The Century says that it means 'su-
preme, superior in power or jurisdiction;
chief; and by way of illustrating its
accurate use, adds this quotation from
Blackstone: 'Thus all the land of the
Kingdom is supposed to be held in
feudal tenure, and immediately of the King,
who is styled the Lord paramount, or
above all.'

"While for the same purpose, Webster
gives this quotation from Mr. Clay: 'I
owe a paramount allegiance to the Union,
a subordinate one to my own State.'

Subordinate Power.
"Indeed, so far from being a synonym
or exclusive, it primarily suggests the
existence of a superior power, and the
conditions which obtain here are unusual.
Municipal corporations are vested with
legislative power, subject to the para-
mount power of the Legislature. States
are permitted in many instances to re-
gulate interstate commerce, subject to the
paramount power of the Federal Legisla-
ture, and so have the Legislature may pre-
scribe reasonable and proper regulations
that must be enforced until they are set
aside by the paramount power of the
commission."

Section 5 recites that it has been
established by the rates now in force have been
approved by the Corporation Commission,
but disclaims any knowledge of such ap-
proval, the claim being that the approval
flows from acquiescence. This it states
cannot be true.
The concluding or sixth section of the
opinion recites the claim of the defend-
ant that the power of the Corporation Com-
mission, which forbids the taking of property
without due process of law, and which guaran-
tees to all persons the equal protection
of the laws.

Quoting from a parallel case from the
Michigan courts, the opinion says that
this legislation assumes to provide for
a discrimination which operates in favor
of the wholesale buyer, leaving the others
subject to the general rule.
Fourteenth Amendment.
The opinion concludes: "Whether we
assent to this reasoning or not, it is so
written, and to this unambiguous declara-